

COUNTY OF KAUAI
Minutes of Meeting
Open Session

Board/Committee:	LIQUOR CONTROL COMMISSION	Meeting Date	December 17, 2015
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:03 p.m.
Present	Chair Paul Endo, Vice Chair Josephine Sokei; Members: Shirley Akita, Jean Iida, Gerald Matsunaga, Dane Oda, Pauline Ventura Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:01 p.m. with 7 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 7 members were present.	
Approval of the Agenda		Ms. Akita moved to approve the agenda. Mr. Oda seconded the motion. Motion carried 7:0.
Public Hearings	<p>a) <u>NEW LIQUOR LICENSE:</u></p> <p>1. <u>THE POOL BAR:</u> Application No. 2016-66 was filed on October 2, 2015 by AOA Hanalei Bay Resort dba The Pool Bar for a Dispenser General (live entertainment and dancing) license located at the Hanalei Bay Resort, 5380 Honoiki Road, Princeville, Kauai, Hawaii.</p> <p>Mr. Scott Pacer, General Manager of Hanalei Bay Resort, was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-66 was closed.</p>	<p>Ms. Akita moved to approve Application No. 2016-66. Mr. Oda seconded the motion. Motion</p>

		carried 7:0.
	<p>2. <u>KAUAI LAGOONS</u>: Application No. 2016-68 was filed on October 12, 2015 by Timbers Kauai Golf dba Kauai Lagoons for a Dispenser Beer & Wine (live music with dancing) license located at Kauai Lagoons Golf Course, 3351 Hoolaulea Way, Līhu'e, Kauai, Hawaii.</p> <p>Mr. Jonathan Chun, counsel, was present along with Mike Cuthbertson, manager for Timbers Kauai LLC to represent the applicant.</p> <p>Commissioner Matsunaga commented on the unusual nature of the application, pointing out it does not include personal histories for all officers and directors. Instead there is only a personal history for the person who will be managing the establishment. He questioned why the directors or owners were not listed. Mr. Chun explained that Timbers Kauai Golf is owned by another LLC, and in those situations, the Department determines that the actual person who will be running the establishment will be the responsible party; he is a member, and is a manager of the LLC. Mr. Chun further stated that person is not present today.</p> <p>Commissioner Akita asked for an explanation of where the live music and dancing would take place. Mr. Chun explained that the previous licensee would have live entertainment and dancing in the clubhouse/ballroom area; however, that space is currently comprised of offices. Mr. Cuthbertson added that the primary purpose of this license would be to service the golf course, and the turn-shack at the starting area; however they would also like to have the flexibility to allow for live music and dancing for special events that they do with the Marriott hotel.</p> <p>Commissioner Matsunaga pointed out another unusual aspect of the application, noting that the financial information lists assets, liabilities, and cash on hand as zero, yet it indicates that operating funds of \$25,000 will be</p>	

	<p>made available. He asked whether that is based upon approval of this application. Mr. Cuthbertson explained that money is funding from the entity that owns Timbers Kauai Golf, and is part of the management agreement as that entity is responsible for financial obligations of the business; those funds were made available upon the issuance of their temporary license.</p> <p>Commissioner Oda asked since there is only a single person listed on the application, should there be any violations, who would receive the violation notice? Mr. Chun stated that anyone holding blue cards can receive the violation notice. Mr. Cuthbertson stated Ms. Kelly Heinz oversees the Food & Beverage for the whole golf course, she has a blue card, and is present at the establishment on a daily basis.</p> <p>Commissioner Oda noted the hours of operation are listed at 7:00 a.m. to 5:00 p.m., and asked if they were to have a special event, would they need a special permit? Director Rapozo noted the type of license they are applying for allows them to operate until 2:00 a.m. The actual hours of operation can be set by the licensee.</p> <p>The public hearing for Application No. 2016-68 was closed.</p>	
	<p>3. <u>HANAI KAUAI</u>: Application No. 2016-70 was filed on October 13, 2015 by Hanai Kauai Inc. dba Hanai Kauai for a Restaurant General license located at 4-1543 Kūhi'ō Highway, Kapa'a, Kauai, Hawaii.</p> <p>Mr. Colin Darrell was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-70 was closed.</p>	<p>Mr. Matsunaga moved to approve Application No. 2016-68. Ms. Iida seconded the motion. Motion carried 7:0.</p> <p>Ms. Iida moved to approve Application No. 2016-70. Ms. Sokei seconded the motion. Motion</p>

		carried 7:0.
	<p>4. <u>PIETRO'S PIZZA</u>: Application No. 2016-71 was filed on October 13, 2015 by Pietro's Hawaii LLC dba Pietro's Pizza for a Restaurant General (live entertainment and dancing) license located at 3501 Rice Street, Līhu'e, Kauai, Hawaii.</p> <p>Director Rapozo noted that the Department has received one letter in opposition, and a petition.</p> <p>Pastor Tom Iannucci was present to represent the applicant. Mr. Iannucci stated he has met with the families who expressed opposition, and all parties would like to come to an agreement before the application is brought to an official hearing. He wishes to honor the requests made by the families he has spoken to, and would like to be able to have further discussion with those families, and come back at a future meeting with something in writing that encompasses what has been agreed upon by all parties.</p> <p>Commissioner Matsunaga asked how much time would be needed to come to an agreement with other property owners to which Mr. Iannucci replied a week or so would be sufficient.</p> <p>Attorney Courson stated the Commission could move for a continuance, with the option to hear public testimony either now, or at the future meeting. Commissioner Akita requested that public testimony be held until the future meeting, so that they avoid hearing duplicate testimonies.</p>	<p>Mr. Matsunaga moved for a continuance of the public hearing for Application No. 2016-71 until the January 7, 2015 meeting. Ms. Akita seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>TRANSEER OF LIQUOR LICENSES</u>:</p> <p>1. <u>ALOHA ISLAND MART</u>: Application No. 2016-81 was filed on November 16, 2015 for transfer of Retail Dealer General License No. 4G-029 from MFM, Inc. dba Kapa'a Super Service</p>	

	<p>to Aloha Petroleum Ltd. dba Aloha Island Mart located at 4-1125 Kūhi'ō Highway, Kapa'a, Kauai, Hawaii.</p> <p>Mr. Robert Fung, Secretary and General Counsel for Aloha Petroleum was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-81 was closed.</p>	<p>Mr. Matsunaga moved to approve Application No. 2016-81. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>2. <u>ALOHA ISLAND MART</u>: Application No. 2016-82 was filed on November 16, 2015 for transfer of Retail Dealer General License No. 4G-031 from MFM, Inc. dba Kekaha Menehune Food Mart to Aloha Petroleum Ltd. dba Aloha Island Mart located at 8171 Kekaha Road, Kekaha, Kauai, Hawaii.</p> <p>Mr. Robert Fung, Secretary and General Counsel for Aloha Petroleum was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-82 was closed.</p>	<p>Ms. Akita moved to approve Application No. 2016-82. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>3. <u>ALOHA ISLAND MART</u>: Application No. 2016-83 was filed on November 16, 2015 for transfer of Retail Dealer General License No. 4G-067 from MFM, Inc. dba Menehune Food Mart Kapahi to Aloha Petroleum Ltd. dba Aloha Island Mart located at 5665 Kawaihau Road, Kapa'a, Kauai, Hawaii.</p> <p>Mr. Robert Fung, Secretary and General Counsel for Aloha Petroleum was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-83 was closed.</p>	<p>Ms. Iida moved to approve Application No. 2016-83. Ms. Sokei seconded the motion. Motion carried 7:0.</p>

	<p>4. <u>ALOHA ISLAND MART</u>: Application No. 2016-84 was filed on November 16, 2015 for transfer of Retail Dealer General License No. 4G-032 from MFM, Inc. dba Kīlauea Menehune Food Mart to Aloha Petroleum, Ltd. dba Aloha Island Mart located at 2521 Kōlo Road, Kīlauea, Kauai, Hawaii.</p> <p>Mr. Robert Fung, Secretary and General Counsel for Aloha Petroleum was present to represent the applicant.</p> <p>The public hearing for Application No. 2016-84 was closed.</p>	<p>Ms. Iida moved to approve Application No. 2016-84. Mr. Oda seconded the motion. Motion carried 7:0.</p>
<p>1. <u>DIRECTOR'S REPORT</u>:</p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS</u>:</p> <p>(1) From Sweepstakes Consulting</p> <p>(2) From Avid Marketing Group</p> <p>(3) From Arrowhead Promotion & Fulfillment</p> <p>(4) Disturbance Report from Trees Lounge</p> <p>c) <u>OUTGOING COMMUNICATIONS</u>:</p> <p>(1) To Avid Marketing Group</p> <p>(2) To All Wholesale Licensees</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES</u>:</p> <p>Managers and Assistant Managers – See Attachment.</p> <p>e) <u>ACTIONS OF THE DIRECTOR</u>:</p> <p>(1) MERRIMAN'S</p> <p>(2) NANI MOON MEAD</p>		

	<p>(3) PRINCEVILLE WINE MARKET (4) TORTILLA REPUBLIC (5) DARK ROAST</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Ms. Iida moved to receive Items 1 (a) through (f). Ms. Sokei seconded the motion. Motion carried 7:0.</p>
2.	<p><u>EXTENSION IN TIME TO EXERCISE LICENSE:</u></p> <p><u>7-ELEVEN STORES:</u> Request for extension in time for a period of 1-year to exercise Application No. 2015-71 which was approved on July 2, 2015.</p>	<p>Ms. Akita moved to approve the extension in time to exercise license. Ms. Iida seconded the motion. Motion carried 7:0.</p>
3.	<p><u>VIOLATION REPORTS:</u></p> <p>a) <u>POIPU BEACH ATHLETIC CLUB:</u> Violation of HRS Section 281-78(b)(1)(A) Prohibitions.</p>	<p>Ms. Akita moved to call the licensee for a violation hearing. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>PARADISE BAR & GRILL:</u> Violation of Rule 7.8(a) Manager on Duty, Qualifications.</p>	<p>Ms. Akita moved to call the licensee for a violation hearing. Ms. Iida seconded the motion. Motion carried 7:0.</p>
4.	<p><u>TRANSFER OF LIQUOR LICENSE:</u></p> <p><u>KOA KEA HOTEL & RESORT AT POIPU BEACH:</u> Application Number 2016-94 was filed on December 8, 2015 for transfer of Hotel License No. 12G-011 from CTF Koa Kea Hotel LLC dba Koa Kea Hotel & Resort at Poipu Beach to Van Wescomp Hawaii, Inc. dba Koa Kea Hotel & Resort at Poipu Beach located at 2251 Poipu Road, Kōloa, Kauai, Hawaii. Deposited \$275.</p>	<p>Ms. Akita moved for publication and public hearing. Ms. Iida seconded the motion. Motion carried 7:0.</p>

5.	<u>TEMPORARY LIQUOR LICENSE:</u> <u>KOA KEA HOTEL & RESORT AT POIPU BEACH:</u> Application Number 2016-95 was filed on December 8, 2015 by Van Wescomp Hawaii, Inc. dba Koa Kea Hotel & Resort at Poipu Beach to operate Hotel License No. 12G-011 located at 2251 Poipu Road, Kōloa, Kauai, Hawaii. Deposited \$60.	Ms. Akita moved to approve Application No. 2016-95. Ms. Iida seconded the motion. Motion carried 7:0.
6.	<u>PERMANENT INCREASE OF PREMISE:</u> <u>JO2:</u> Request for permanent increase of premise to include the space next to the existing licensed premise Unit S5, per diagram submitted.	Ms. Akita moved to approve the permanent increase of premise. Ms. Iida seconded the motion. Motion carried 7:0.
7.	<u>CHANGE IN CORPORATE OFFICER:</u> <u>JH PACIFIC RESTAURANTS, LLC dba JOSSELIN’S TAPAS BAR & GRILL:</u> Removal of Andrew Ha as member.	Ms. Iida moved to accept the change in corporate officer. Ms. Akita seconded the motion. Motion carried 7:0.
8.	c) <u>ELECTION OF CHAIR AND VICE-CHAIR FOR 2016</u> Shirley Akita and Paul Endo were nominated for the position of Chair. Commissioner Akita declined the nomination. Shirley Akita was nominated for the position of Vice-Chair.	The Commission voted in favor of appointing Paul Endo as Chair 7:0. The Commission voted in favor of appointing Shirley Akita as Vice-Chair 7:0.
Announcements	Next Scheduled Meeting: Thursday, January 7, 2015 – 4:00 pm, Mo‘ikeha Building, Meeting Room #3.	
Adjournment		Chair Endo adjourned the meeting at 4:40 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
Paul Endo, Chair

- ☐ Approved as is.
- ☐ Approved with amendments. See minutes of _____ meeting.